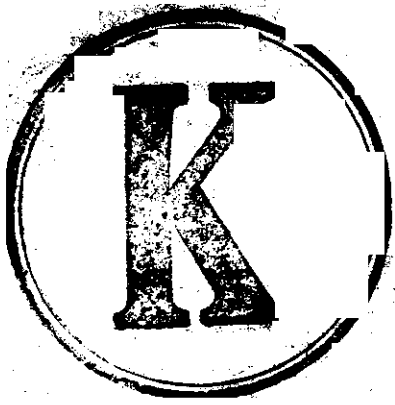




1944

File No. Epid. Disease

Legal Department ^{II/44}

B BRANCH

Subject:— Rules and Notifications
under The Epidemic Diseases
Act 1897

E
Page-2
1944

File No.

Epid Disease II/44

Gen. 194 e.

211-B

Office of the R.L.A.

The draft notification as amended is in order subject to the following observations:-

The option is given to a person coming in contact either to proceed further on his journey or to go to a hospital at the station at which a cholera infected person is detained. In case such a person agrees to go to a hospital it is reasonable to communicate his name to the District Magistrate of the place to which he is proceeding for being notified to the relatives of the person sent to hospital as is to be done in case of a cholera infected person. These persons are to be kept for 5 days in a hospital and hence the suggestion. The amended draft has provided for this.

Id/- P.N.M.

o c 24/4/44

Remembrancer of Legal Affairs.

U.R.to G.D.No. 1495, dated the 25th February 1944.

MM

13/7-

9.
Office of the R.L.A.

The points for consideration with regard to the draft notification at pages 117-118 ante are two :

(1) Whether the railway isolation wards at Manmad and Bhusawal should be excluded from the Schedule to the Cholera Regulations; and

(2) Whether regulation 10, as proposed in the draft notification, is ultra vires of the Indian Railways Act.

2. The question whether it would be competent to make a regulation requiring the railway authorities to admit passengers in their hospitals has been considered by the R.L.A. in his opinion No. 3022 dated the 8th April 1942. According to the advice given by him draft regulation 10 has been worded as to empower the authority in charge of the hospital, ward, dispensary, or shed specified in the Schedule to the Regulations to admit a patient therein or to make suitable temporary accommodation for him. According to this provision if the railway authorities are unable to admit patients in the isolation wards referred to it would be open for ~~him~~ them to ~~make~~ suitable temporary accommodation for the patients.

3. The whole dispute about wires seems to be answered by the language of section 2 of the

Contd.

Contagious Diseases Act, 1897 which enables regulations to be prescribed "if it (i.e. the Provincial Government) thinks that the ordinary provisions of the law for the time being in force are insufficient for the purpose" (of fighting the outbreak of any dangerous epidemic disease.) The provisions of the Railways Act and the rules thereunder are the ordinary provisions of the law at present. Any new regulations which come to be made under section 2 referred to above must necessarily mean that these ordinary provisions are insufficient and more drastic measures are intended. If this does not mean that the regulations have an overriding effect, it at least means that they are as good and valid as the ordinary law, namely the Railways Act and rules. If both are valid, both can be complied with (so long as one of the laws is not repugnant to the other), through compliance with the more ^{drastic} ~~statute~~ law. No amendment of regulation 10 is therefore necessary.

Id/-

P.N.M.

28/9/44.

Remembrances of Legal Affairs

U.R.to G.D. No. 6770 dated the 29th September 1944.

MM

13/7-